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2012 DEC 18 AM 10:33

Affidavit

Dated: Dec 17, 2012

STATE OF Texas
COUNTY OF Galveston

CELA

That on December 17, 2012, Heidi H Thiess, of the Heidi For Texas Campaign, personally came and appeared before me the undersigned notary public, who after being first duly sworn, deposes and says:

My name is Heidi H Thiess, I live in League City Texas, in Galveston County. I am deposing and signing this affidavit to answer to the best of my ability the allegations of Mr. Shawn Phillips as detailed in MUR #6662.

To provide any further information beyond what I state in this affidavit, I require clarification on the specific regulations that are deemed to be violated. Furthermore, it is not clear in MUR #6662 whether I am being accused as an individual or as a State PAC (regulated by the State of Texas) or as a non-profit corporation.

Mr. Phillips' accusations arise from three erroneous assumptions that he has failed to prove out, specifically that: 1) my emails were expressly advocating for the election or defeat of a particular federal candidate; 2) I sent emails to more than 500 contacts and did not provide the appropriate FEC disclaimer; and 3) I spent over \$250 advocating for federal candidates and did not report the expenditures.

Let's deal with these in order:

1) It is unclear based upon my reading of the FEC regulations whether the language I used in my emails meets the litmus test of "express advocacy" since I did not use such phraseology as "vote for", "elect", or any other such directives. In the first three emails I listed many candidates who were attending various events, to include several federal candidates. I do not believe that listing candidates expected to be at an event can be considered "express advocacy." In the last three emails, I encouraged people to do all their own research, and then I listed all the candidates I was personally voting for. I made it clear in the text of all the communications that these were my own opinions and not directed or paid for by any candidate.

2) The disclaimer requirements for 500 or more electronic communications are for registered federal PACs. I am not a registered federal PAC, and therefore, according to the guidance I received from the Information office at the FEC, I am not in violation of FEC disclaimer requirements. The Texas Ethics Commission regulates the appropriate disclaimers on my emails.

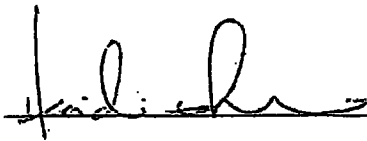
3) Individuals are required to file a one-time report if they spend more than \$250 total on independent expenditures advocating for a federal candidate. The threshold of spending required for a group or organization to register with the FEC is \$1000. I have not reached any such threshold, either as an individual or a State PAC.

The first two emails that Mr. Phillips objects to and included in his complaint were sent from a free service in April and cost me \$0. The last four emails were sent from a paid newsletter service that I reported on my State PAC finance report and were all sent in the month of July for a total of \$47. According to the advice I received from the Information office at the FEC, the entire amount cannot be attributed to a single candidate, and would appropriately be split among the many candidates I listed in my communication, as follows:

The first two emails were free and mentioned 8 candidates, plus myself = \$0 expense. Three of the July emails listed 9 candidates, and the last email listed an additional 12 candidates. That's a total of \$47 spent in July on 21 individual candidates for a total of \$2.23 each. If you add in my website expense of \$24 for that month (\$1.14 per candidate), it amounts to a grand total of \$3.37 per candidate in independent expenditures.

That amount does not come close to any independent spending limits for any individual, State PAC, or non-profit. Therefore, no proof has been provided that I violated any reporting requirements.

FURTHER AFFIANT SAYETH NOT.



Heidi H Thiess

SUBSCRIBED TO AND SWORN TO before me on December 17, 2012.



NOTARY PUBLIC

